

A Regular Meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the third day of March 2004, at 7:30P.M, and there were present:

PRESENT: Stanley J. Keysa, Chairman
John P. Gober, Member
Lawrence Korzeniewski, Member
Steven Socha, Member
Melvin Szymanski, Member

EXCUSED: Rebecca Anderson, Member
Michael Myszka, Member

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

Town Staff: Robert Labenski, Town Engineer
Jeffrey H. Simme, Building & Zoning Inspector
John M. Dudziak, Deputy Town Attorney
Mary Nowak, Recording Secretary

Meeting called to order by Chair Keysa at 7:30 PM. Motion was made by Melvin Szymanski to approve the minutes from the February 4, 2004 Planning Board Meeting with the following correction: INFORMAL REVIEW-TIM HORTON'S RESTAURANT - Member Steven Socha told the Planning Board that he would be abstaining from the discussion of the informal review because he has a business acquaintance who owns several Tim Horton's Restaurants. Motion seconded by Lawrence Korzeniewski and unanimously carried.

COMMUNICATIONS:

- 3-3-01 Copy of letter dated February 4, 2004 to Supervisor Giza from Andrew Eszak of ECDEP transmitting copy of opinion obtained from NYS Department of State regarding the jurisdictional necessity of referring zoning matters for comment by Erie County under General Municipal Law sections 239 L and M, and including a survey of issues on which local TB, PB and ZBA members would like training sessions conducted.
- 3-3-02 E-mail dated February 5, 2004 from George Grasser of Partners for a Livable Western New York announcing meeting to be held at 6pm on February 10, 2004 at 1000 Main Street, Buffalo, and appending long list of related activities.
- 3-3-03 Memo dated February 6, 2004 from Town Attorney Richard Sherwood transmitting letters both dated February 2, 2004 from EC DEP with comments regarding Orville's Appliance Warehouse (on Walden Avenue opposite Stony Rd. and regarding rezone of 18 +/- acres at 5067 William Street (Homes by Natale).
- 3-3-04 Memo dated February 5, 2004 from Town Attorney transmitting letter dated February 2, 2004 from EC DEP regarding site plan for Realty USA at 4909 Transit Road.
- 3-3-05 Memo dated February 4, 2004 from Building and Zoning Inspector Jeff Simme transmitting application for approval of subdivision - preliminary plat plan for Parkhaven Patio Homes on west side of Bowen Road just south of Broadway, project 2001.
- 3-3-06 Letter dated February 9, 2004 from Town Attorney asking PB members to refresh their memories on environmental issues regarding Parkhaven Patio Homes for MRC session on same.
- 3-3-07 Memo dated February 11, 2004 from Town Attorney noticing MRC meeting for February 23, 2004 to conduct SEQR review of site plan for Orville's Appliance Warehouse (on south side of Walden Avenue opposite Stony Rd).
- 3-3-08 Minutes of Special TB meeting held February 9, 2004 at which MRC conducted SEQR review of application by Homes by Natale, Inc. for rezone of property on south side of William Street east of Lake Avenue (negative declaration issued).
- 3-3-09 Copy of budget appropriations ledger as of January 31, 2004.
- 3-3-10 Memo dated February 11, 2004 from Building and Zoning Inspector transmitting application for approval of subdivision - preliminary plat plan for Pleasant Heights Subdivision, south side of Pleasant View Drive between Harris Hill Road and Forton Drive, project # 3358.

- 3-3-11 Letter of transmittal dated February 12, 2004 from Costich Engineering transmitting revised site plan, landscaping plan and lighting plan for Kohl's Department Store, east side of Transit Road.
- 3-3-12 Memo dated February 13, 2004 from Building and Zoning Inspector transmitting EAF form for site plan for Realty USA, 4909 Transit Road.
- 3-3-13 Memo dated February 13, 2004 from Building and Zoning Inspector transmitting application for site plan approval for Tim Horton's Restaurant, NEC Genesee Street and Harris Hill Road, project #9922.
- 3-3-14 Copy of letter dated February 11, 2004 from Town Clerk to Theodore Kulbacki transmitting resolution of TB approving rezone for property on south side of Como Park Boulevard west of Penora Street.
- 3-3-15 Memo dated February 18, 2004 from Town Clerk transmitting memo from Deborah Naybor, PLS, regarding how residents can have their homes removed from FEMA flood plain maps.
- 3-3-16 Memo dated February 18, 2004 from Building and Zoning Inspector transmitting various maps related to Fairway Hills subdivision (south side of William Street between Bowen Road and Schwartz Road) and adjacent Summerfield Farms Subdivision, at request of Councilwoman Stempniak, for review and informal discussion at next PB meeting.
- 3-3-17 Copy of letter dated February 23, 2004 from Ramsey Kahi of NYSDOT to Town Attorney with comments on Orvilles Appliances Warehouse, 3979 Walden Ave.
- 3-3-18 Minutes of Zoning Board of Appeals meeting of February 12, 2004 at which ZBA considered: 1) petition by Timothy and Linda McGovern of 1 Nottingham Lane for fence height variance (granted, with conditions, 6 to 1); 2) petition of Theodore Kulbacki regarding land west of 1767 Como Park Boulevard proposed for office building, seeking area variance (granted), rear yard setback variance (granted), and west side yard setback variance (granted); 3) petition by Kohl's Department Store, Inc. regarding land at 4839 and 4827 Transit Road for lighting fixture height variance for 32' fixtures (granted, with conditions).
- 3-3-19 Copy of letter dated February 25, 2004 from Town Clerk to Paul Colucci of Costich Engineering transmitting TB resolution approving site plan for 96,077sf Kohl's Department Store on Transit Road, with conditions reflecting PB and ZBA conditions.
- 3-3-20 Copy of letter dated February 25, 2004 from Town Clerk to H. Christopher Streng transmitting TB resolution approving site plan for 56,375 sf building for Orville's Appliances to be located on the southside of Walden Avenue.
- 3-3-21 Minutes of Special TB meeting held February 23, 2004 at which MRC conducted SEQR review of site plan for Orville's Appliances, Walden Avenue (negative declaration issued).

- 3-3-22 Memo dated February 25, 2004 from General Crew Chief Terrence McCracken suggesting additional plantings along east and west property lines of Tim Horton's Restaurant (NEC Genesee St and Harris Hill Rd), and noting landscape plan is not required for Pleasant Heights Subdivision.
- 3-3-23 E-mail dated February 27, 2004 from Robert Shibley transmitting agenda of Partners for a Livable Western New York for Tuesday, March 9, 2004.
- 3-3-24 Memo dated February 27, 2004 transmitting conceptual site plan for another Tim Horton's Restaurant proposed for the east side of Transit Road between Freeman Road and Wehrle Drive, prepared by Wm. Schutt & Associates as project # 0020.
- 3-3-25 Memo dated February 28, 2004 from PB Chair to TB and PB summarizing key items learned at Association of Town of S of NY training seminars held in NYC on February 16th and 17th.
- 3-3-26 Memo dated March 2, 2004 from Town Attorney scheduling MRC meeting for March 15, 2004 at which to conduct SEQR review of site plan for Realty USA office at 4909 Transit Road, and transmitting letter dated February 26, 2004 from Ramsey Kahi of NYSDOT with comments on that project.
- 3-3-27 Notice of briefings for municipalities on brownfields to be conducted by law firm of Bond, Schoeneck & King, PLLC, co-sponsored by NY Conference of Mayors, Association of Towns of S of NY, and NYS Association of Counties, with local briefings to be held March 24, 2004 at Park Plaza Hotel, Cheektowaga.
- 3-3-28 Memo dated March 1, 2004 from Building & Zoning Inspector transmitting fax dated March 1, 2004 from Neal Kochis, P.E., asking that consideration of the site plan for Tim Horton's at 496 Harris Hill be rescheduled for March 17, 2004.

ACTION ITEMS -

PRELIMINARY PLAT PLAN REVIEW - PARKHAVEN PATIO HOMES, 55 LOTS, WEST SIDE OF BOWEN ROAD/SOUTH OF INTERSECTION OF BROADWAY & BOWEN ROAD. PROJECT NO. 0149. CONTACT PERSON: WILLIAM TUYN.

William Tuyn, Rehm-Peterson presented to the Planning Board the preliminary plat plan review for the 55 single-family patio development on the west side of Bowen Road across from Bell Tower. This plan is consistent with the previously approved sketch plan for this project. Mr. Tuyn told the Planning Board that the owner of the adjacent property would be providing a letter indicating his willingness to allow easements for turnarounds and storm water drainage. The Planning Board stated that this letter must be provided to the Town Board. The plan shows the width of the roadway to be 28 ft. from edge to edge - 24 ft. asphalt with 2 ft. gutters on each side. Although the plan does not show sidewalks, Mr. Tuyn said that 5-ft. Sidewalks will be constructed as each unit is built. He also stated that mail service will be door-to-door.

DETERMINATION

Based on the information provided to the Planning Board, John Gober made a motion to recommend approval of the preliminary plat plan to the Town Board with the following conditions: 1. A letter is to be provided to the Town Board from Mr. Brown, owner of the adjacent parcel, indicating his willingness to allow easements for turnarounds and stormwater drainage. 2. 5-ft. sidewalks to be constructed as each unit is built. Motion seconded by Steven Socha and unanimously carried.

PRELIMINARY PLAT PLAN REVIEW - PLEASANT HEIGHTS SUBDIVISION, 8 SINGLE-FAMILY DWELLINGS, SOUTH SIDE OF PLEASANTVIEW DRIVE WEST OF PLEASANTVIEW DRIVE & FORTON DRIVE INTERSECTION. PROJECT NO. 3358 CONTACT PERSON: LANDESIGN SURVEYORS & ENGINEERS.

William Bosse, owner and builder of the project, presented to the Planning Board the preliminary plat plan for eight single-family homes to be built on the south side of Pleasantview Dr, west of the Pleasantview Dr. and Forton Dr. intersection. Mr. Bosse told the Planning Board that as a result of a recent survey of this property, an additional 12 feet will be added to this project, enlarging the lot at the southwest corner of Pleasantview Dr. and Forton Dr. The remainder of the plan is consistent with the previously approved sketch plan.

DETERMINATION

Based on the information provided to the Planning Board, Lawrence Korzeniewski made a motion to recommend approval of the preliminary plat plan to the Town Board with the following conditions: 1. All driveways to have turnarounds. 2. 5-ft. sidewalks to be constructed as homes are built. 3. Open ditches on Pleasantview Drive and Forton Drive must be piped. 4. Permanent 10-ft. backyard drainage easement to be dedicated to the Town must be shown on map cover. 5. Front setback on Forton Drive must be minimum of 35 ft. Motion seconded by John Gober and unanimously carried.

SITE PLAN REVIEW - TIM HORTON'S RESTAURANT, 1645 SQ. FT. BUILDING, NORTH SIDE OF GENESEE STREET/EAST SIDE OF HARRIS HILL ROAD AT INTERSECTION OF GENESEE STREET AND HARRIS HILL ROAD. PROJECT NO. 9922. CONTACT PERSON: NEAL KOCHIS.

At the request of the applicant, this project is to be re-scheduled for the March 17, 2004 Planning Board Meeting.

INFORMAL BRIEFING ON THE RECONSTRUCTION OF TRANSIT ROAD NORTH OF THE NEW YORK STATE THRUWAY.

Craig Mozrall, PE, New York State Dept. of Transportation, presented to the Planning Board the proposed plans for the reconstruction of Transit Road north of the New York State Thruway. Mr. Mozrall asked the Planning Board's preference regarding Freeman Dr. during the reconstruction, and whether to put a speed hump in the section of Freeman Dr. between the hotels and the houses or to close off Freeman Dr. by constructing cul-de-sacs. After a brief discussion, the Planning Board unanimously agreed that a speed hump during construction on Transit Road would be preferred rather than cul-de-sacs. Mr. Mozrall also asked whether the Planning Board had any preference for the relocation of the Transit Rd. and Freeman Dr. intersection as shown on the proposed plans. The Planning Board noted that the decision will likely be driven by the impact of a similar road on the Amherst side regarding an existing subdivision, and expressed no preference at this time. Chair Keysa asked Town Engineer Robert Labenski to make arrangements for a presentation of this proposed project to the Town Board at a future date, preferably when the Planning Board can also attend.

Reconstruction of NY Route 78, Transit Road
I- 90 NYS Thruway exit 49 to Route 5 Main Street
and Wehrle Drive, Harding Road to 1200' east of Transit Road

Project Description: The proposed project will reconstruct Transit Road to provide three 3.3meter(11') travel lanes in each direction as well as a raised 4.6meter(15') median. The intersection of Transit Road and Wehrle Drive will provide dual left turn and single right turn lanes on each approach. Portland cement concrete pavement will be installed on the 4 legs of this intersection, and will be extended to the north to match the portland cement concrete pavement at the intersection with Main Street. The remainder of Transit Road and relocated Freeman Road will be paved with asphalt concrete. The intersection of Transit Road and Freeman Road will be relocated to a new location approximately 260meters(850') north of the existing location. The new intersection will be signalized and will line up with a new access roadway connecting to McKinley Ave and Harding Road on the west side of Transit Road. On the western approach leg of the Wehrle Drive and Transit Road intersection, McKinley Ave and Harding Road will no longer connect onto Wehrle Drive. Short roadways connecting Harding Road and McKinley Drive will be installed on both the north and south sides of Wehrle Drive. Access will be provided to these residential neighborhoods via signalized intersections with Transit Road at Garfield Road and at relocated Freeman Road. South of the I90 overpass, the section of Transit Road north of Aero Drive will have two 3.3meter(11') travel lanes for northbound traffic, and three 3.3meter(11') travel lanes for southbound traffic. A single left turn lane northbound, and a single right turn lane southbound will provide access onto I-90 at Exit 49. A new closed drainage system will be installed and will outlet into Ellicott Creek. 1.5meter(5') sidewalks will be installed on both sides of Transit Road for the entire length of the project, as well as a 0.9meter(3') curb offset for bikes and a 2.1meter(7') snow storage area.

Project Cost: The estimated cost of the project is \$18,000,000. and will be paid for using State and Federal Highway funds.

Project Schedule:

Design Report/Environmental Assessment Distribution- June 2004

Public Hearing-July 2004

Design Approval-December 2004

Advanced Detail Plans-June 2005

Final Plans-December 2005

Project Letting -June 2006

Construction Start- August 2006

Construction Completion -December 2008

INFORMAL DISCUSSION ON MAP COVER FILING OF FAIRWAY HILLS SUBDIVISION AS REQUESTED BY COUNCILMEMBER DONNA STEMPIAK.

Councilmember Donna Stempniak explained to the Planning Board that this project had been previously approved with conditions by the Town Board when this project was owned by a Canadian firm. The Canadian firm has since abandoned the project, and a new owner has purchased the property. The map cover for this project was re-approved at the March 1, 2004 Town Board Meeting. She suggested that previously approved conditions for this project could be revisited.

William Tuyn and Victor Martucci told the Planning Board that the new owners would consider revisions. One condition of the previously approved plan was that a brick wall be constructed as a buffer along the property line of the homes backing up to William St. Mr. Tuyn explained that the common areas shown on the previously approved map cover would be subdivided and added to the adjoining lots. Mr. Martucci asked the Planning Board if they wanted a brick wall, a fence, or a berm. After some discussion, the Planning Board agreed that an undulating berm would be preferred instead of a brick wall, and that the Planning Board would like to see a sketch of the proposed berm.

At 9:20 PM Lawrence Korzeniewski made a motion to adjourn the meeting. Motion seconded by John Gober and unanimously carried.